



## **BACKGROUND GUIDE**

### **UNITED NATIONS HUMAN RIGHTS COUNCIL**

#### **AGENDA -** The Situation in Myanmar

### **Message from the Executive Board**

Dear delegates,

We are in the very pleasant position to welcome you all to the Human Rights Council of AMIMUN 2018. As delegates of the Human Rights Council, we firmly believe that you will meet the expectations of the countries which were appointed to you and that you are called to represent in the HRC. We also hope that we will all manage to cooperate efficiently and effectively both during and prior to the conference. However, in order to make this happen, we would like to provide you with some valuable information just before you begin your research on our agenda, that is, “The Situation in Myanmar”.

First of all, this guide only aims to offer you some general information on the topic and, mostly, to show you the direction towards which you should conduct your personal research. As you may already know, the issue related to the situation in Myanmar is quite complex. Thus, you are called to conduct a thorough research on the very essence and the details of the topic, as well as on your country’s specific position upon that. We can assure you that, should you combine the information inside this guide with your own personal research, you will be sufficiently prepared for the three days of committee sessions. We highly encourage you to utilize not only the information provided in the guide but also to extensively explore the agenda yourself and not restrict yourself inside the set boundaries of the themes chosen by the Background Guide.

Secondly, please be reminded that from this point on and until the end of the Conference, The Executive Board will be available at your disposal for any questions or remarks you might have. You can always contact us through email or through the official Conference email and accounts which will be forwarded to us.

Besides, we strongly encourage you to start your preparation by this time, in order for you to efficiently elaborate on the topic and present it in committee.

Regards,

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## **Introduction**

Although the Myanmar crisis, namely the turmoil taking place in Rakhine state and the alleged atrocities against Muslim populations residing in the region, alongside the outburst of a serious refugee crisis, has reached the spotlight of the international being in the last semester of 2017, peace, stability and fundamental human rights in the area have been at stake since the independence of Myanmar (Burma at the time) by the British colony power, back in 1948.

In the meantime, Myanmar has experienced rounds of violence and conflict in domestic level and high political tension, including military coups, whilst after 2015, a period of stabilization in political level seems to be in process. Nevertheless, the issue of the “Rohingya” people has not yet been resolved, neither the situation has been ameliorated. On the contrary, Rohingyas, namely Muslim people living in Rakhine state, have been subject to oppression and marginalization policies from the very beginning of the independent Burmese state, now named “Myanmar”, which is its official and UN-accepted name. Actually, as already mentioned,

Myanmar crisis could be also defined as “Rohingya crisis”, or “Rakhine crisis”, meaning that, at the time being, the focus of the international community is mostly put on the situation regarding the conflict taking place in Rakhine state, the situation regarding Rohingyas and in general civilians in the area, the deprivation of their fundamental rights and the forced displacement of many people either within the territory of Myanmar or to other states, mainly Bangladesh.

The seriousness of the situation in Myanmar and the threat posed to peace, security, stability and fundamental human rights and values can be reflected by a series of different factors: the conflict between Muslim groups (mainly Rohingya) and the official security forces, the religious hatred grown within the population and especially the Buddhist majority of the country, the atrocities committed against Rohingya civilians, including women and children, by the official Myanmar authorities, the accusations for genocide or ethnic cleansing, expressed by official UN officers and many states, the fact that more than 1,000,000 Rohingyas are stalled in Bangladesh (a number overcoming the one of those being in Myanmar), the ongoing and evolving humanitarian crisis, accompanying the refugee one, with the latter being deemed as the “world's fastest growing refugee crisis”.

All the aforementioned render the Myanmar crisis one of the major problems that the international community must deal with. The UN Security Council met in order to discuss upon the situation in Myanmar after many years, whilst the different approaches by superpowers and state blocks have not let any Resolution to be adopted. By virtue of the all these implications, the current Study Guide seeks to present to the best way possible the historic routes of the conflict, the recent outburst of the crisis, the various opinions expressed in the field of international politics, as well as some questions that reflect serious disturbances to the international law.

## **The Rohingyas in Myanmar**

### **Who are the Rohingyas?**

The Rohingya are an ethnic Muslim minority who practice a Sufi-inflected variation of Sunni Islam. There are an estimated 3.5 million Rohingya dispersed worldwide. Before August 2017, the majority of the estimated one million Rohingya in Myanmar resided in Rakhine State, where they accounted for nearly a third of the population. They differ from Myanmar's dominant Buddhist groups ethnically, linguistically, and religiously.

The Rohingya trace their origins in the region to the fifteenth century, when thousands of Muslims came to the former Arakan Kingdom. Many others arrived during the nineteenth and early twentieth centuries, when Rakhine was governed by colonial rule as part of British India. Since independence in 1948, successive governments in Burma, renamed Myanmar in 1989, have refuted the Rohingya's historical claims and denied the group recognition as one of the country's 135 official ethnic groups. The Rohingya are considered illegal immigrants from Bangladesh, even though many trace their roots in Myanmar back centuries.

Neither the central government nor Rakhine's dominant ethnic Buddhist group, known as the Rakhine, recognize the label "Rohingya," a self-identifying term that surfaced in the 1950s, which experts say provides the group with a collective political identity. Though the etymological root of the word is disputed, the most widely accepted theory is that Rohang derives from the word "Arakan" in the Rohingya dialect and ga or gya means "from." By identifying as Rohingya, the ethnic Muslim group asserts its ties to land that was once under the control of the Arakan Kingdom, according to Chris Lewa, director of the Arakan Project, a Thailand-based advocacy group.

### **Legal Status of Rohingyas in Myanmar**

The government refuses to grant the Rohingya citizenship, and as a result most of the group's members have no legal documentation, effectively making them stateless. Myanmar's 1948 citizenship law was already exclusionary, and the military junta, which seized power in 1962, introduced another law twenty years later that stripped the Rohingya of access to full citizenship. Until recently, the Rohingya had been able to register as temporary residents with identification cards, known as white cards, which the junta began issuing to many Muslims, both Rohingya and non-Rohingya, in the 1990s. The white cards conferred limited rights but were not recognized as proof of citizenship. Still, Lewa says that they did provide some recognition of temporary stay for the Rohingya in Myanmar.

In 2014 the government held a UN-backed national census, its first in thirty years. The Muslim minority group was initially permitted to identify as Rohingya, but after Buddhist nationalists threatened to boycott the census, the government decided Rohingya could only register if they identified as Bengali instead.

Similarly, under pressure from Buddhist nationalists protesting the Rohingya's right to vote in a 2015 constitutional referendum, then President Thein Sein canceled the temporary identity cards in February 2015, effectively revoking their newly gained right to vote. (White card holders were allowed to vote in Myanmar's 2008 constitutional referendum and 2010 general elections.) In the 2015 elections, which were widely touted by international monitors as free and fair, no parliamentary candidate was of the Muslim faith. "Country-wide anti-Muslim sentiment makes it politically difficult for the government to take steps seen as

supportive of Muslim rights,” writes the International Crisis Group.

Muslim minorities continue to “consolidate under one Rohingya identity,” says Lewa, despite documentation by rights groups and researchers of systematic disenfranchisement, violence, and instances of anti-Muslim campaigns.

### **Why are the Rohingyas fleeing Myanmar?**

The Myanmar government has effectively institutionalized discrimination against the ethnic group through restrictions on marriage, family planning, employment, education, religious choice, and freedom of movement. For example, Rohingya couples in the northern towns of Maungdaw and Buthidaung are only allowed to have two children [PDF]. Rohingya must also seek permission to marry, which may require them to bribe authorities and provide photographs of the bride without a headscarf and the groom with a clean-shaven face, practices that conflict with Muslim customs. To move to a new home or travel outside their townships, Rohingya must gain government approval.

Moreover, Rakhine State is Myanmar’s least developed state, with a poverty rate of 78 percent, compared to the 37.5 percent national average, according to World Bank estimates. Widespread poverty, poor infrastructure, and a lack of employment opportunities in Rakhine have exacerbated the cleavage between Buddhists and Muslim Rohingya. This tension is deepened by religious differences that have at times erupted into conflict.

### **Where and how are the Rohingyas fleeing?**

#### **Bangladesh:**

Most Rohingya have sought refuge in nearby Bangladesh, which has limited resources and land to host refugees. More than 1.1 million people are refugees in the country, according to Bangladeshi authorities. The World Health Organization projects the birth of sixty thousand babies in Bangladesh’s crowded camps in 2018. Meanwhile, the risk of disease outbreak in camps is high, with health organizations warning of possible outbreaks of measles, tetanus, diphtheria, and acute jaundice syndrome.

Moreover, more than 60 percent of the available water supply in refugee camps is contaminated, increasing the risk of spread of communicable and water-borne diseases. Vulnerable refugees have turned to smugglers, paying for transport out of Bangladesh and Myanmar and risking exploitation, including sexual enslavement. In November 2017, Myanmar and Bangladesh signed a deal for the possible repatriation of hundreds of thousands of refugees, though details remained vague and the plan was postponed. Planned repatriations were delayed repeatedly throughout 2018.

□ **Malaysia:**

As of October 2018, eighty thousand Rohingya were in Malaysia, according to the United Nations, though tens of thousands of others are in the country unregistered. Rohingya who arrive safely in Malaysia have no legal status and are unable to work, leaving their families cut off from access to education and health care.

□ **Thailand:**

Thailand is a hub for regional human smuggling and serves as a common transit point for Rohingya. Migrants often arrive there by boat from Bangladesh or Myanmar before continuing on foot to Malaysia or by boat to Indonesia or Malaysia. The military-led Thai government has cracked down on smuggling rings after the discovery of mass graves in alleged camps where gangs held hostages. But some experts say that while punishing traffickers disrupts the networks, it does not dismantle them.

□ **Indonesia:**

The Rohingya have also sought refuge in Indonesia, although the number of refugees from Myanmar there remains relatively small because they are treated as illegal immigrants. Indonesia has rescued migrant boats off its shores and dispatched humanitarian aid and supplies to Bangladesh's camps. Indonesian President Joko Widodo pledged more help





during a visit to refugee camps in Bangladesh in January 2018.

## **Understanding the Situation in Myanmar**

For the purpose of understanding, this guide is focusing on three key developments in Myanmar: the crisis in Rakhine State; the hostilities in Kachin and Shan States; and the infringement on the exercise of fundamental freedoms and the issue of hate speech.

### **A. The Rakhine State**

Rakhine State has a poverty rate nearly twice the national average. All communities in Rakhine suffer from poor social services and a scarcity of livelihood opportunities. The State's two largest groups are the Rakhine Buddhists and the Rohingya Muslims; the former constitutes the majority; the latter, the majority in the north. There are several other ethnic minorities, including the Kaman Muslims. The problems in Rakhine State are often ascribed to poor relations between the Rohingya and the Rakhine, reflective of deeply rooted grievances and prejudices. Nonetheless, the majority of Rohingya and Rakhine interviewed by the mission indicated that relationships with the other community had been good prior to 2012, citing examples of business dealings and friendships.

### **Violations inflicted on the Ethnic Rakhine**

The members of the mission spoke with many ethnic Rakhine, who highlighted serious human rights violations perpetrated by the Myanmar security forces against them. These violations are similar to those experienced by other ethnic groups in Myanmar.

The Tatmadaw used Rakhine men, women and children for forced or compulsory labour, mostly for "portering". Other violations included forced evictions through land confiscation, arbitrary arrest and detention, and violations of the rights to life, to physical and mental integrity, and to property. Tatmadaw soldiers also subjected Rakhine women to sexual violence, often in the context of forced labour; for example, one victim explained how, in 2017, she was taken to a military base, beaten and raped by a Tatmadaw captain.

The mission also received reports of repressive action against the assertion of Rakhine identity. For example, in January 2018, the police used excessive force in dispersing a demonstration in Mrauk-U against the cancellation of an annual ethnic Rakhine event, killing seven protestors.

### **Structural Subjugation and Persecution of the Rohingya**

The process of "othering" the Rohingya and their discriminatory treatment began long before 2012. The extreme vulnerability of the Rohingya is a consequence of State policies and practices implemented over decades, steadily marginalizing them. The result is a continuing situation of severe, systemic and institutionalized oppression from birth to death.

The cornerstone of the above-mentioned oppression is lack of legal status. Successive laws and policies regulating citizenship and political rights have become increasingly exclusionary in their formulation, and arbitrary and discriminatory in their application. Most Rohingya have become de facto stateless, arbitrarily deprived of nationality.

This cannot be resolved through the citizenship law of 1982, applied as proposed by the Government through a citizenship verification process. The core issue is the prominence of the concept of “national races” and the accompanying exclusionary rhetoric, originating under the dictatorship of Ne Win in the 1960s. The link between “national races” and citizenship has had devastating consequences for the Rohingya.

The displacement of Rohingya in the 1970s and 1990s, in the context of the military regime’s implementation of this exclusionary vision, were earlier markers. Observers, including United Nations human rights mechanisms and civil society, have alerted the Myanmar authorities and the international community to a looming catastrophe for decades.

The travel of Rohingya between villages, townships and outside Rakhine State has long been restricted on the basis of a discriminatory travel authorization system. This has had serious consequences for economic, social and cultural rights, including the rights to food, health and education. The degree of malnutrition witnessed in northern Rakhine State has been alarming. Other discriminatory restrictions include procedures for marriage authorization, restrictions on the number and spacing of children, and the denial of equal access to birth registration for Rohingya children. For decades, security forces have subjected Rohingya to widespread theft and extortion. Arbitrary arrest, forced labour, ill-treatment and sexual violence have been prevalent.

### **Violence in 2012**

In this context, two waves of violence swept Rakhine State, in June and in October 2012, affecting 12 townships. The murder, and alleged rape, of a Rakhine woman and the killing of 10 Muslim pilgrims are commonly presented as key triggers. According to the government inquiry commission, the violence left 192 people dead, 265 injured and 8,614 houses destroyed. Actual numbers are likely much higher. Further violence broke out in Thandwe in 2013.

Although the Government’s depiction of the violence as “intercommunal” between the Rohingya and the Rakhine has prevailed, it is inaccurate. While there certainly was violence between Rohingya and Rakhine groups, resulting in killing and the destruction of property, these attacks were not spontaneous outbursts of hostility; they resulted from a plan to instigate violence and amplify tensions. A campaign of hate and dehumanization of the Rohingya had been under way for months, and escalated after 8 June 2012, led by the Rakhine Nationalities Development Party (RNDP), various Rakhine organizations, radical Buddhist monk organizations, and several officials and influential figures.

It was spread through anti-Rohingya or anti-Muslim publications, public statements, rallies and the boycott of Muslim shops. The Rohingya were labelled “illegal immigrants” and “terrorists”, and portrayed as an existential threat that might “swallow other races” with their “incontrollable birth rates”. In November 2012, the RNDP, in Toe Thet Yay, an official publication, cited Hitler, arguing that “inhuman acts” were sometimes necessary to “maintain a race”.

Myanmar security forces were at least complicit, often failing to intervene to stop the violence, or actively participated. They injured, killed and tortured Rohingya and destroyed their properties. Witnesses from Sittwe and Kyaukpyu described cases of security forces preventing Rohingya or Kaman from extinguishing houses set on fire by Rakhine, including



by gunfire. Witnesses from Maungdaw described security forces shooting indiscriminately at Rohingya and conducting mass arbitrary arrests, including of Rohingya workers from non-governmental organizations. Large groups were transferred to Buthidaung prison, where they faced inhuman conditions and torture. Prisoners were beaten by prison guards and fellow Rakhine detainees, some fatally.

The violence in 2012 marked a turning point in Rakhine State: the relationship between the Rakhine and Rohingya deteriorated; fear and mistrust grew. Although the Kaman are a recognized ethnic group, they were targeted alongside the Rohingya as Muslims, and have since suffered increasing discrimination and marginalization.

The Government responded to the violence by an increased presence of security forces and enforced segregation of communities. A state of emergency declared on 10 June 2012 was lifted only in March 2016. Township authorities in Rakhine State imposed a curfew and prohibited public gatherings of more than five people. These restrictions remain in force today in Maungdaw and Buthidaung and have been applied in a discriminatory manner against the Rohingya. They have an impact on freedom of religion, as people are prevented from praying collectively in mosques.

The violence displaced more than 140,000 people, mostly Rohingya. The few thousand displaced ethnic Rakhine were able to return or were resettled by the Government. Six years after the violence, 128,000 Rohingya and Kaman remain segregated, confined in camps and displacement sites, without freedom of movement, access to sufficient food, adequate health care, education or livelihoods. The displaced are prevented from returning to their place of origin. Such confinement exceeds any justifiable security measure and constitutes arbitrary deprivation of liberty. Other Rohingya in central Rakhine, including those resettled, also face severe restrictions, including on freedom of movement, which has an impact on daily life.

The violence exacerbated the oppression of the Rohingya. Movement outside Rakhine State became even more difficult. Rohingya students have not been able to enrol at Sittwe University since 2012; their access to higher education has been effectively removed.

This is a violation of the right to education, and a powerful tool to ensure cross-generational marginalization. Although Rohingya were allowed to vote in 2010, the right was revoked prior to the elections in 2015. The oppressive climate led to an increase in Rohingya leaving Rakhine State by boat in the following years.

### **The “Clearance Operations”**

What happened on 25 August 2017 and the following days and weeks was the realization of a disaster long in the making. It was the result of the systemic oppression of the Rohingya, the violence of 2012, and the Government’s actions and omissions since then. It caused the disintegration of a community.

In the early hours of 25 August, ARSA launched coordinated attacks on a military base and up to 30 security force outposts across northern Rakhine State, in an apparent response to increased pressure on Rohingya communities and with the goal of global attention. A small number of minimally-trained leaders had some arms, and a significant number of untrained villagers wielded sticks and knives. Some had improvised explosive devices. Twelve security personnel were killed.

The response of security forces, launched within hours, was immediate, brutal and grossly disproportionate. Ostensibly to eliminate the “terrorist threat” posed by ARSA, in the days and weeks that followed, it encompassed hundreds of villages across Maungdaw, Buthidaung and Rathedaung. The operations targeted and terrorized the entire Rohingya population. The authorities called them “clearance operations”. As a result, by mid-August 2018, nearly 725,000 Rohingya had fled to Bangladesh.

Even though the operations were conducted over a broad geographic area, they were strikingly similar. Tatmadaw soldiers would attack a village in the early hours, frequently joined by other security forces, often by Rakhine men and sometimes men from other ethnic minorities. The operations were designed to instil immediate terror, with people woken by intense rapid weapon fire, explosions or the shouts and screams of villagers. Structures were set ablaze, and Tatmadaw soldiers fired their guns indiscriminately into houses and fields, and at villagers.

The nature, scale and organization of the operations suggest a level of preplanning and design by the Tatmadaw leadership that was consistent with the vision of the Commander-in-Chief, Senior General Min Aung Hlaing, who stated in a Facebook post on 2 September 2018, at the height of the operations, that “the Bengali problem was a longstanding one which has become an unfinished job despite the efforts of the previous governments to solve it. The government in office is taking great care in solving the problem.”

## **B. Kachin and Shan States**

Similar patterns of conduct by security forces, particularly the Tatmadaw, have been witnessed elsewhere. The mission focused on the situation in northern Myanmar (Kachin and Shan States), where interlocutors considered their plight ignored. Successive Governments have signed bilateral ceasefire agreements and a nationwide ceasefire agreement with various “ethnic armed organizations”. In parallel, since 2011, northern Myanmar has witnessed a sharp increase in fighting between the Tatmadaw and armed groups, in particular those excluded from or not signatories to the ceasefire agreement; these include the Kachin Independence Army, after a 17-year ceasefire broke down in 2011; the Shan State Army-North; the Myanmar National Democratic Alliance Army; and the Ta’ang National Liberation Army. Clashes also erupted between the Ta’ang National Liberation Army and the Shan State Army-South.

Each of the above-mentioned conflicts has a complex history and is fuelled by various grievances, including with regard to land use, development projects, the exploitation of natural resources and illegal narcotics trading. The underlying factors, however, are demands for greater autonomy, self-determination and the elimination of ethnic or religious discrimination, as well as resentment about Tatmadaw tactics targeting civilians and violating human rights.

The mission verified a number of incidents in the context of these armed conflicts, and subsequently confirmed consistent patterns of violations of international law. With continuing hostilities and prevailing insecurity, these violations persist.

## **Infringements by the Tatmadaw**

The Tatmadaw operations in northern Myanmar are characterized by systematic attacks directed at civilians and civilian objects, and indiscriminate attacks. Attacks are often carried out in civilian-populated residential areas, without any apparent military objective and in flagrant disregard for life, property and the well-being of civilians. Tatmadaw soldiers have shot directly at and shelled civilians fleeing or seeking shelter. Attacks routinely resulted in civilian deaths and injuries. Widespread looting and the destruction and burning of homes were commonplace. This conduct was observed in most conflict-affected areas in northern Myanmar, especially in or around territory under the control of ethnic armed organizations.

This *modus operandi* is a catalyst for other violations. Civilians are targeted because they belong to the same ethnic group or because they are considered to be of “fighting age”, seemingly in an effort to dissuade civilians from becoming involved with ethnic armed organizations. The mission established a pattern of violations of the right to life, with numerous unlawful killings, mostly committed in the context of military operations, as a consequence of indiscriminate attacks, attacks targeting civilians, or the murder or extrajudicial execution of persons in Tatmadaw custody. Unlawful killings are committed in other contexts also, without any immediate or apparent link to hostilities, for example in the context of forced labour.

Similar patterns emerge for cases of torture and other forms of ill-treatment, often against men, women and children to obtain information or confessions regarding the activities of ethnic armed organizations or as punishment for perceived sympathy for the opponents of the Tatmadaw. Torture and ill-treatment were used to coerce individuals into forced labour, and conditions of detention often amounted to ill-treatment; civilians were forced to precede military units on patrol in conflict areas, sometimes in Tatmadaw uniforms, thereby exposing them to attacks, death and injury.

Women have been subjected to rape and other forms of sexual violence. Some have been abducted by soldiers and then raped, or even gang-raped, before being killed. Women and girls have been selected for forced marriage, and targeted in their homes for sexual violence. In many cases, sexual violence was accompanied by degrading behaviour, including insults and spitting. When women did escape, Tatmadaw soldiers would frequently search for them, threaten and physically abuse members of their family, and destroy or steal their property. Sexual violence against men has been inflicted as a means of torture, including to obtain information or confessions.

The Tatmadaw has engaged in arbitrary arrest and deprivation of liberty, in many cases amounting to enforced disappearance. Men and women, and in some cases children, were taken from their villages and detained for forced labour or because of suspected links to ethnic armed organizations. Victims have been held incommunicado in unofficial places of detention for periods ranging from one day to two years. Most were not informed of the reason for arrest, nor brought before a judge. In one incident in Monekoe, Shan State, more than 100 individuals were arrested and detained in November 2016.

As in other areas of Myanmar, forced labour has been a common feature of life for many in northern Myanmar. The mission verified a pattern of systematic use by the Tatmadaw of forced labour, including for portering or digging trenches, or as guides or cooks. Soldiers routinely arrived in villages without warning and took people for forced labour for up to weeks at a time. Some of those taken were required to fight for the Tatmadaw. The

Tatmadaw recruited children throughout the period under review, although it has made some effort to address this issue.

Violations against ethnic and religious minorities in northern Myanmar are often committed with persecutory intent, in a context of severe discrimination based on ethnic or religious grounds. This has led, for example, to the destruction or ransacking of churches and religious objects during military operations (and sometimes to the subsequent construction of Buddhist pagodas), but also in the use of insulting language while the acts were being committed.

### **Violations and Exploitations by “ethnic armed organizations”**

Ethnic armed organizations committed international humanitarian law violations and human rights abuses, many in the context of hostilities between the Ta’ang National Liberation Army and the Shan State Army-South, including abduction and detention, illtreatment and destruction or appropriation of civilian land and property. There have been instances where these groups, as well as the Kachin Independence Army and the Myanmar National Democratic Alliance Army, have failed to take precautionary measures to protect civilians in attacks and forcibly recruited adults and children. Some put immense economic pressure on civilians through arbitrary “taxation”. The extent to which rape, torture and killings were committed requires further investigation.

While the mission’s information on violations and abuses by ethnic armed organizations may not be representative, accounts would indicate that these are frequent but generally not systematic. This warrants further investigation.

### **Shocking Humanitarian Effects**

Poverty levels in Kachin and Shan are high. The hostilities in northern Myanmar have compounded the humanitarian situation. People trapped in conflict-affected areas have been denied safe passage to leave. Others are unable to return because their homes have been looted and/or destroyed, because of continuing fighting or the presence of landmines, or because their land was appropriated after they fled, including by the Tatmadaw and corporations. This has resulted in protracted situations of internal displacement.

An estimated 100,000 people in Kachin and Shan have been living in displacement camps or camp-like situations since 2011. They live in overcrowded conditions with inadequate shelter. Access to food and health care is limited, while the rate of chronic malnutrition is well above the national average. Outbreaks of preventable diseases are reported. Access to education at all levels is inadequate. Furthermore, the cycle of temporary displacements continues. Among non-displaced populations, access to education and health care is often disrupted by fighting.

Humanitarian assistance has been frequently and arbitrarily denied, and despite the clear need thereof, the movement of relief personnel has been restricted for long periods of time. Access has significantly deteriorated since June 2016, to a point where international humanitarian actors are unable to assess needs or provide assistance to the majority of displaced persons, exacerbating already dire conditions. Local organizations also are increasingly restricted.

## **C. Fundamental Freedoms**

While Myanmar has taken significant strides on this front, especially between 2011 and 2015, disturbing trends have emerged. Violence and human rights violations, including in Kachin, Rakhine and Shan States, are fuelled by the silencing of critical voices by the Myanmar authorities, who at the same time amplify a hateful rhetoric that emboldens perpetrators.

The Myanmar authorities, in particular the Tatmadaw, do not tolerate scrutiny or criticism. They use various laws to arrest, detain or harass civil society actors, journalists, lawyers and human rights defenders who express critical views. The case against two Reuters journalists for their investigative work into the Inn Din massacre and the prosecution of persons peacefully protesting the conflicts in northern Myanmar, including in Yangon, are recent examples. The mission verified instances of reprisals for engagement with the United Nations and of excessive use of force in managing demonstrations.

The Government's response to hate speech has been inadequate. The mission is deeply disturbed by the prevalence of hate speech, offline and online, often including advocacy of national, racial or religious hatred constituting incitement to discrimination, hostility or violence. This has accompanied outbreaks of violence, especially in Rakhine State. Dehumanizing and stigmatizing language against the Rohingya, and Muslims in general, has for many years been a key component of the campaign to "protect race and religion", spearheaded by extremist Buddhist groups like MaBaTha. Hate narratives are common.

The Myanmar authorities have condoned these developments and, although generally using less inflammatory language, their rhetoric has mirrored and promoted the narratives espoused. This includes the insistence that "Rohingya" do not exist or belong in Myanmar, even denying use of the term; denial of the suffering of Rohingya; the association of Rohingya identity with terrorism; and the repeated allusions to illegal immigration and uncontrollable birth rates. The impact of this rhetoric is compounded by the stream of false or incomplete information and explicit calls for patriotic action. The Myanmar authorities, including the Government and the Tatmadaw, have fostered a climate in which hate speech thrives, human rights violations are legitimized, and incitement to discrimination and violence facilitated.

The role of social media is significant. Facebook has been a useful instrument for those seeking to spread hate, in a context where, for most users, Facebook is the Internet. Although improved in recent months, the response of Facebook has been slow and ineffective. The extent to which Facebook posts and messages have led to real-world discrimination and violence must be independently and thoroughly examined. The mission regrets that Facebook is unable to provide country-specific data about the spread of hate speech on its platform, which is imperative to assess the adequacy of its response.

### **The International Law Spectrum**

There are/were reasonable enough grounds to conclude that serious crimes under international law have been committed that warrant criminal investigation and prosecution.

#### **A. Genocide**



Genocide is when a person commits a prohibited act with the intent to destroy, in whole or in part, a national, ethnical, racial or religious group as such. The Rohingya are a protected group under this definition. Their treatment by the Myanmar security forces, acting in concert with certain civilians, includes conduct that amounts to four of the five defined prohibited acts: **(a) killing; (b) causing serious bodily or mental harm; (c) inflicting conditions of life calculated to bring about the physical destruction of the group in whole or in part; and (d) imposing measures intending to prevent births.**

The critical element of the crime is “genocidal intent”. The mission assessed its body of information in the light of the jurisprudence of international tribunals regarding the reasonable inference of such intent. The crimes in Rakhine State, and the manner in which they were perpetrated, are similar in nature, gravity and scope to those that have allowed genocidal intent to be established in other contexts. Factors pointing to such intent include the broader oppressive context and hate rhetoric; specific utterances of commanders and direct perpetrators; exclusionary policies, including to alter the demographic composition of Rakhine State; the level of organization indicating a plan for destruction; and the extreme scale and brutality of the violence committed.

Having given careful consideration to other possible inferences regarding intent, the mission considers that these can be discounted as unreasonable. In this regard, it recalls the statement made by the Tatmadaw Commander-in-Chief that the “clearance operations” were not a response to a concrete threat from ARSA, but to the “unfinished job” of solving the “long-standing” “Bengali problem”

In the light of the above considerations on the inference of genocidal intent, the mission concludes that there is sufficient information to warrant the investigation and prosecution of senior officials in the Tatmadaw chain of command, so that a competent court can determine their liability for genocide in relation to the situation in Rakhine State.

## **B. Crimes against humanity**

On the basis of information gathered, the mission finds that crimes against humanity have been committed in Kachin, Rakhine and Shan States, principally by the Tatmadaw. In the case of Kachin and Shan States, the crimes include murder, imprisonment, enforced disappearance, torture, rape, sexual slavery and other forms of sexual violence, persecution, and enslavement. In Rakhine State, these and other crimes against humanity have been committed. The elements of extermination and deportation are also present, while the systematic oppression and discrimination not only supports a finding of persecution but may also amount to the crime of apartheid. For both northern Myanmar and Rakhine State, the acts were committed as part of a widespread and systematic attack on a civilian population.

## **C. War Crimes**

Given the mission’s consideration that non-international armed conflicts have been ongoing in Kachin and Shan States (for the entire period under review) and in Rakhine State since at least August 2017, much of the conduct amounting to crimes against humanity will also satisfy the war crime elements of murder, torture, cruel treatment, outrages upon personal



dignity, attacking civilians, displacing civilians, pillaging, attacking protected objects, taking hostages, sentencing or execution without due process, as well as rape, sexual slavery and sexual violence. Certain acts committed by ethnic armed organizations and ARSA may also constitute war crimes.

### **The Question of Responsibility**

Non-State armed groups have committed crimes against civilians, for which they should be held accountable. During the period under review, the Tatmadaw was the main perpetrator of serious human rights violations and crimes under international law in Kachin, Rakhine and Shan States. In addition, in Rakhine State, the Myanmar police force, NaSaKa 11 and Border Guard Police were also perpetrators. Local authorities, militias, militant “civilian” groups, politicians and monks participated or assisted in violations, to varying degrees.

The Tatmadaw command exercises effective control over its own soldiers, as well as over other armed actors deployed in military operations. The consistent tactical formula employed by the Tatmadaw exhibits a degree of coordination only possible when all troops are acting under the effective control of a single unified command. This effective control, combined with the knowledge of crimes committed by subordinates, a failure to take necessary and reasonable measures to prevent and punish crimes, and a causal link between these failures and the atrocities committed, indicate that individual criminal liability would extend beyond individual perpetrators to their hierarchical commanders.

The mission has drawn up a non-exhaustive list of alleged perpetrators of crimes under international law, indicating priority subjects for investigation and prosecution. The list includes the names of alleged direct perpetrators, but focuses on those exercising effective control over them. In relation to the recent events in Rakhine State, this includes the Tatmadaw Commander-in-Chief, Senior-General Min Aung Hlaing, and:

- Deputy Commander-in-Chief, Vice Senior-General Soe Win
- Commander, Bureau of Special Operations-3, Lieutenant-General Aung Kyaw Zaw
- Commander, Western Regional Military Command, Major-General MaungMaungSoe
- Commander, 33rd Light Infantry Division, Brigadier-General Aung Aung
- Commander, 99th Light Infantry Division, Brigadier-General Than Oo

The constitutional powers of the civilian authorities afford little scope for controlling the actions of the Tatmadaw, nor is there any indication that they participated directly in planning or implementing security operations or were part of the command structure. Nevertheless, nothing indicates that the civilian authorities used their limited powers to influence the situation in Rakhine State where crimes were being perpetrated.

The State Counsellor, Daw Aung San Suu Kyi, has not used her de facto position as Head of Government, nor her moral authority, to stem or prevent the unfolding events, or seek alternative avenues to meet a responsibility to protect the civilian population. On the contrary, the civilian authorities have spread false narratives, denied the wrongdoing of the Tatmadaw, blocked independent investigations (including that of the fact-finding mission), and overseen the destruction of evidence. Through their acts and omissions, the civilian authorities have contributed to the commission of atrocity crimes.

Systemic discrimination and crimes under international law were committed during a period of significant international engagement in Myanmar, and while the United Nations was supposed to be implementing its Human Rights Up Front action plan. While Myanmar was repeatedly identified as a crisis situation requiring a human rights-driven response by the “whole of the United Nations”, this approach was rarely, if ever, taken. Rather, many United Nations agencies have continued to prioritize development goals, humanitarian access and quiet diplomacy.

That approach has demonstrably failed; and the United Nations as a whole has failed adequately to address human rights concerns in Myanmar. Even now, the approach taken displays few signs of any lessons learned, with human rights missing from agreements recently signed with the Government. While thanking those United Nations entities that have provided it with valuable assistance and information, the mission regrets the lack of cooperation from others.

### **The Quest for Accountability**

Justice has remained elusive for victims in Myanmar for decades, with the authorities systematically failing to condemn, investigate and prosecute perpetrators. Impunity for gross human rights violations has significantly and demonstrably contributed to the validation of deeply oppressive and discriminatory conduct, enabled recurrence of human rights violations and atrocity crimes, emboldened perpetrators and silenced victims. Unless impunity is addressed, and all ranks within the security forces are held accountable for their past, current and future actions, similar outbreaks of violence and associated atrocity crimes can be expected to continue, with further devastating domestic and regional impact.

In the face of the Rakhine crisis, the Myanmar authorities have created ad hoc inquiry commissions and boards. The mission has examined eight such efforts since 2012. None meets the standard of an impartial, independent, effective and thorough human rights investigation. To the mission’s knowledge, none has led to any prosecution for gross human rights violations and redress for victims. The reason is simple: this is not possible in Myanmar.

Impunity is deeply entrenched in the State’s political and legal system, effectively placing the Tatmadaw above the law. The Constitution and other laws provide for immunities and place the Tatmadaw beyond civilian oversight. The Tatmadaw can independently adjudicate its own matters, with the Commander-in-Chief having the final word. The rare cases, brought mostly before military courts without transparency, are wholly insufficient to counter the overall trend of impunity. Furthermore, military courts are inadequate forums to deal with large-scale human rights violations perpetrated by the military. Nor are civilian courts the answer; the domestic justice system is not independent and lacks the capacity to respect fair trial standards or to deal with the breadth and gravity of the violations perpetrated by high-level officials, especially crimes under international law. Those who file complaints often face intimidation and reprisals. In short, accountability at the domestic level is currently unattainable.

Even though the primary responsibility for investigating and prosecuting crimes under international law lies with the Government of Myanmar, it has demonstrated that it is unable and unwilling. Accountability would require an overhaul of the entire national justice and

security sectors. The mission has concluded on reasonable grounds that the Government's recently-created commission of inquiry will not and cannot provide a real avenue for accountability, even with some international involvement. The impetus for accountability must come from the international community.

It is believed that an accountability process that is transformative, victim centred, comprehensive and inclusive would be beneficial. The process is aimed at contributing to three fundamental shifts: breaking the climate of impunity, ensuring that all State institutions, including the security forces, are answerable to the people, and promoting a concept of the State and the nation of Myanmar that is inclusive, based on equality and respect for the human rights of all. These considerations should permeate all measures adopted in the areas of truth, justice, reparations and guarantees of non-recurrence.

### **Reaction of the World Community**

#### **A. United Nations Security Council (UNSC)**

Following the aggravation of the crisis in the Rakhine state, the escalation of violence from both sides, especially from the side of the Myanmar security forces, as well as the influx of refugees fleeing from the aforementioned region towards Bangladesh and other neighbouring countries, the UNSC has included the situation in Myanmar in its Agenda for the first time after 8 consecutive years. Besides, until 2009, when the UNSC last met on Myanmar, the main issue under discussion was the political instability in the country and the treatment against political prisoners, as reflected by Press Statements published at the time. As far as the issue of atrocities against ethnic minorities, it was introduced during an UNSC meeting in 2007. However, a draft resolution mainly supported by the UK and the USA was vetoed by the Russian Federation and China as well as the Presidential Statement issued afterwards contained no reference to the reported attacks against Rohingyas and other minority groups in the Rakhine state.

#### **B. United Nations General Assembly (UNGA)**

Over the last years, the UN General Assembly has been addressing the situation of human rights in Myanmar by adopting a series of Resolutions based on findings and reports of specialized UN bodies and mechanisms, as well as the works of its 3rd Committee. Notably, we may mention A/RES/67/233 (2012), A/RES/68/242(2013), A/RES/69/248 (2014), A/RES/70/233 (2015). The aforementioned Resolutions responded to all the issues regarding the shortcomings on the protection of human rights in Myanmar, including of course references to the serious violations of the rights of the Rohingyas and of the other minorities residing in the Rakhine state. In light of the recent outburst of the crisis and the aggravation of the situation, the 3rd Committee of the UNGA concluded on a Draft Resolution, sponsored by Egypt, by which the Government of Myanmar is called to act accordingly in order to restore stability and dissolve the crisis. In particular, it covers a great range of the issues arisen in the context of the crisis in the Rakhine state, such as the use of excessive military force, the obstacles on the delivery of humanitarian assistance, the necessity of guaranteeing the return of the displaced populations, the facilitation of the fact-finding Mission of the UN Human Rights Council, the issue of statelessness etc.

The final version of the Resolution 72/248(2017) was adopted by the UNGA in 24th December 2017, since it was voted by the vast majority of the UN members, without however being supported by Russian Federation and China.

### **C. Human Rights Council (HRC)**

The main UN treaty-based body dedicated to the protection of human rights has been constantly addressing the situation of human rights in Myanmar. In March 2017, before the rise of the tensions in Rakhine state, the Human Rights Council adopted Resolution 34/22. The most important provision of the latter is the creation of an Independent International Fact-Finding Mission on Myanmar, which has already started its work. Notwithstanding the fact that HRC recognized the positive steps taken by the Government of Myanmar to cope with the human rights violations and to lower the degree of violence exercised, it had expressed its concern for the increase of the tension level in Rakhine state and the deterioration in terms of respect towards international humanitarian law and maintenance of security and stability. Actually, those concerns were proven to be well-founded in light of the situation in Myanmar from August until now.

In addition, the HRC highlights the problems caused due to the 1982 Citizenship Law which excludes Rohingyas from the adoption of a nationality, as well as it deems the return of IDPs and refugees back to their home as an issue of utmost importance. The HRC has also called the Special Rapporteur of the Human Rights Council on the situation in Myanmar to conduct a Report, which has been delivered to the UN Secretary General and transmitted to the UNGA in due time, namely while the crisis has trespassed the threshold of seriousness.

### **D. European Union**

Despite Myanmar's adhesion in ASEAN and the simultaneous developments in the EU-ASEAN relations, the former's relations with Myanmar remained fierce in terms of imposing sanctions until 2011. During the recent years, the democratic transition under the aegis of a civilian government led to gradual decrease and now the termination of the EU sanctions against Myanmar, exempt from the arms embargo which will be active at least until August 2018. Besides, EU played a significant role concerning the signing of the Nationwide Ceasefire Agreement in 2015.

Nevertheless, EU maintained a suspicious behaviour claiming that there are still a lot of challenges to be dealt with. By virtue of the aforementioned, in light of the new round of violence in Rakhine state, the Council of the European Union proceeded to certain conclusions in order to address the crisis and shape the stance of the Union towards Myanmar, following the principles posed by the UN. In particular, the Council stressed out the necessity of all forms of violence to be terminated, regardless by whom they are conducted. Furthermore, it called for the protection of civilians and human rights, as well as it reiterated the obligation of the Government of Myanmar to safeguard the unperturbed return of the refugees and IDPs, as well as to allow the delivery of humanitarian assistance by the UN, ICRC and international NGOs.

In the same context, EU increased its humanitarian assistance to Bangladesh and it declared its willingness to expand it within the Rakhine state. The Council of the EU reiterated -among others- its serious concerns regarding the "ongoing widespread, systematic grave human

rights violations committed by Myanmar/Burma military and security forces” by issuing in February “Conclusions” so as to address the humanitarian crisis and the situation regarding human rights in Myanmar and to call upon the latter to search for all those accountable.

It is also of utmost importance to mention that the Council of the European Union concluded on suspending any invitation towards military officers of Myanmar and to reassess any form of defensive cooperation due to the excessive use of military force by the Myanmar forces. In addition, also to the already existent restrictive measure of arms embargo, it declared that the EU may assess its stance in terms of imposing additional measures against Myanmar if no improvement takes place.

Ahead of the recent developments, Federica Mogherini, EU High Representative for Foreign Affairs and Security Policy, welcomed the signing of the MOU between Myanmar and Bangladesh on the return of refugees and expressed its will to monitor its implementation in accordance to the standards of international law<sup>57</sup>.

#### **E. Association of Southeast Asian Nations (ASEAN)**

ASEAN, being the unique regional international organization in which Myanmar participates, has adopted a very mild stance towards the ongoing crisis in Rakhine state. According to the ASEAN Chairman’s Statement issued on the 24th September of 2017, the ASEAN Foreign Ministers denounced the attacks conducted against Myanmar security forces as well as any form of violence which has led to deaths of civilians, destruction of properties and the fleeing of a huge number of people.

Furthermore, they pinpointed the inter-communal character of the conflict taking place, whilst they expressed their support on the initiatives of the Government of Myanmar to cope with the situation and achieve peace and stability in the area. Nevertheless, the Statement issued following the Summit held in Manila in November 2017 did not include more than a single paragraph on the situation in the Rakhine state, reiterating the necessity of providing humanitarian assistance to those affected, as well as welcoming once more the steps taken by Myanmar authorities in order to stabilize the area and re-establish peace and the rule of law.

Notwithstanding the aforementioned, ASEAN is criticized for its silence towards the alleged atrocities against Rohingyas, even by its own members. In fact, Malaysia distinguished its view from the Statement of the 24th of September, whilst its representatives declared that there is no reference to Rohingyas and they considered the actions of the Myanmar military forces to be acts of clearance<sup>61</sup>.

#### **F. Organization of Islamic Cooperation**

OIC has condemned the alleged atrocities committed against the Rohingya, whilst its Contact Group on Rohingya Muslim of Myanmar issued a Declaration in September 2017. The latter fully addresses the crisis in the Rakhine state. Specifically, the Meeting of the OIC Foreign Ministers blames the Myanmar security forces for conducting ethnic cleansing against Rohingyas, whilst it calls upon the Government of Myanmar to adopt a series of different measures aiming to ensure the protection of the affected people’s human rights. In addition, the member states of OIC have been fully operating so as the crisis in Myanmar to be addressed. Notably, they played a crucial role by sponsoring the adoption of the Draft Resolution on the situation of human rights in Myanmar by the 3rd Committee of the UNGA.



### **G. League of Arab States**

The Arab world has also taken the stand to defend the rights of Rohingya and condemn Myanmar for its actions against them in light of the recent military crackdown in the Rakhine state. The Secretary General of the Arab League has given a press conference on 6th September of 2017. He called upon the Myanmar authorities to cease the use of violence against Rohingyas, to seek for all those responsible for the alleged atrocities and to ameliorate the living conditions of the Muslim minorities living in the Rakhine state.

### **H. International Committee of the Red Cross (ICRC)**

The ICRC has been providing humanitarian assistance in regions where refugees and IDPs are residing, in Bangladesh and Myanmar respectively, since 2012. Following the outburst of the tension and the exercise of high-level military violence, ICRC, in cooperation with the local branches in Myanmar and Bangladesh, has managed to provide humanitarian assistance to more than 40,000 people in less than two months. Among others, ICRC officials stress out the necessity of being supported by further organizations of humanitarian aid and of being granted access to the areas of the plight, as well as the importance of establishing an environment of peaceful co-existence among the different ethnic and religious groups of the Rakhine state.

### **Conclusion**

The gross human rights violations and abuses committed in Kachin, Rakhine and Shan States are shocking for their horrifying nature and ubiquity. Many of these violations undoubtedly amount to the gravest crimes under international law. They are also shocking because they stem from deep fractures in society and structural problems that have been apparent and unaddressed for decades. They are shocking for the level of denial, normalcy and impunity that is attached to them. The mission concludes that these abusive patterns are reflective of the situation in Myanmar as a whole.

Myanmar has a heavy responsibility to remedy the situation as a matter of the utmost urgency; otherwise, it risks destroying its democratic reform process. The international community also bears responsibility and must take a united stand both to condemn the violations and to assist Myanmar in addressing the root causes of its recurrent problems. This begins by ensuring that the perpetrators of crimes are held to account, and by giving hope to victims of a future without the fear and insecurity that have to date characterized their existence.

The steps required to address the human rights crises in Myanmar are well known. For nearly three decades, five consecutive special rapporteurs on the situation of human rights in Myanmar have presented an annual report to the General Assembly and the Human Rights Council, with detailed recommendations for all stakeholders. Similarly, the United Nations High Commissioner for Human Rights has formulated concrete recommendations, as have many international and national civil society organizations. The Advisory Commission on Rakhine State also presented a detailed report. These recommendations should be implemented immediately.

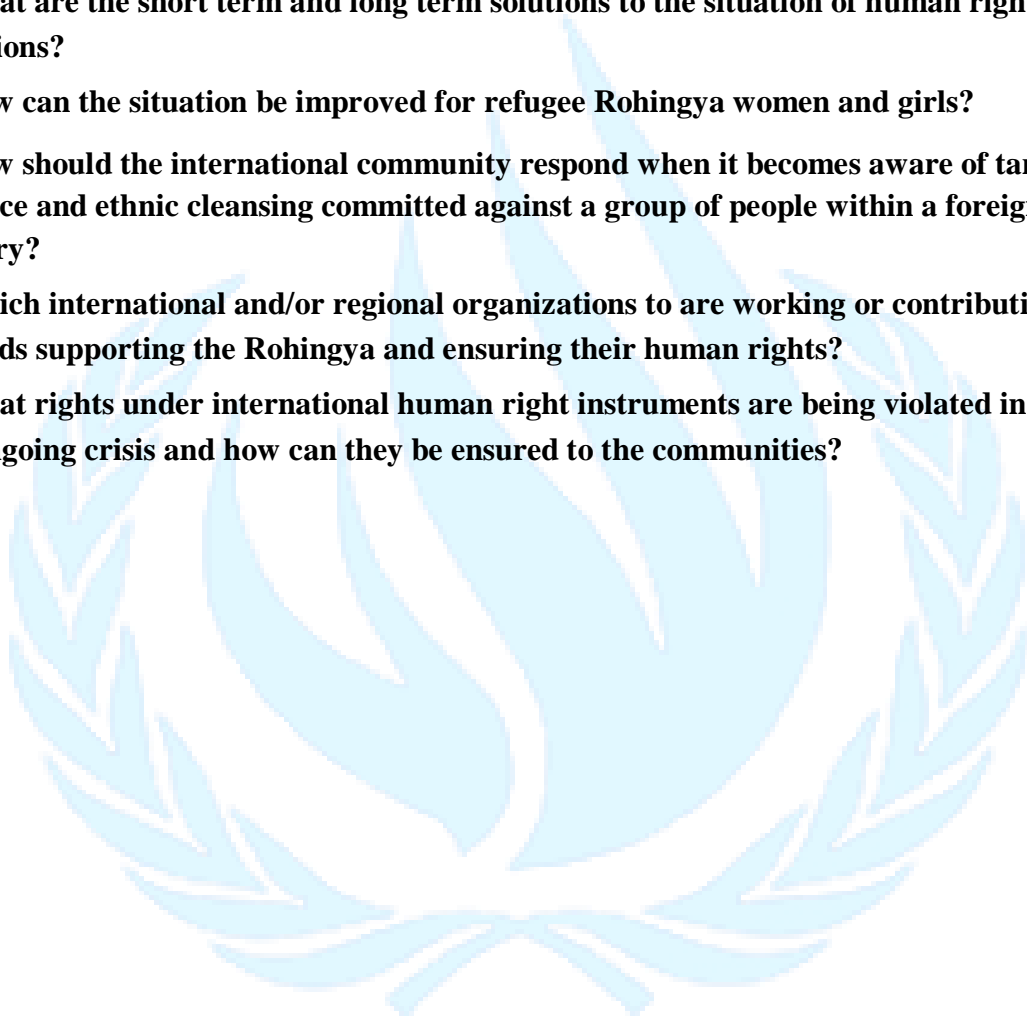


## **VISUAL RESEARCH CONSIDERATIONS**

1. **SHORT OVERVIEW**  
[https://www.youtube.com/watch?v=04axDDRy\\_o](https://www.youtube.com/watch?v=04axDDRy_o)
2. **CRIMES AGAINST HUMANITY**  
<https://www.youtube.com/watch?v=pebrk29ZJW8>
3. **ETHNIC CLEANSING**  
<https://www.youtube.com/watch?v=b2Z82J1i1Qo>
4. **SITUATIONAL ANALYSIS DOCUMENTARY**  
<https://www.youtube.com/watch?v=OVb9U-ajuoA>
5. **FIRST 100 DAYS OF EMERGENCY – UNHCR TIMELINE  
DECEMBER 2017**  
<https://www.unhcr.org/news/stories/2017/12/5a1c313a4/100-days-horror-hope-timeline-rohingya-crisis.html>
6. **TIMELINE OF EVENTS**  
<https://edition.cnn.com/2017/11/12/asia/rohingya-crisis-timeline/index.html>
7. **ROHINGYA REFUGEE CRISIS**  
<https://www.youtube.com/watch?v=OR4wnrUASBU>

## **QUESTIONS TO CONSIDER FOR THE UNHRC**

- 1. What are the short term and long term solutions to the situation of human rights violations?**
- 2. How can the situation be improved for refugee Rohingya women and girls?**
- 3. How should the international community respond when it becomes aware of targeted violence and ethnic cleansing committed against a group of people within a foreign country?**
- 4. Which international and/or regional organizations to are working or contributing towards supporting the Rohingya and ensuring their human rights?**
- 5. What rights under international human right instruments are being violated in the ongoing crisis and how can they be ensured to the communities?**



## **LINKS FOR FURTHER RESEARCH -**

Regarding the Situation in Rakhine State

- OHCHR report: Situation of human rights of Rohingya Muslims and other minorities in Myanmar, June 29, 2016, from Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary General, retrieved 30 November 2017.

([http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session32/Documents/A\\_HRC\\_32\\_18\\_AEV.docx](http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session32/Documents/A_HRC_32_18_AEV.docx)).

- Flash Report: Report of OHCHR mission to Bangladesh: Interviews with Rohingyas fleeing from Myanmar since 9 October 2016, February 3, 2017, Office of the High Commissioner for Human Rights (OHCHR), United Nations, retrieved 30 November 2017. (<http://www.ohchr.org/Documents/Countries/MM/FlashReport3Feb2017.pdf>)

- Mission report of OHCHR rapid mission to Cox's Bazar, Bangladesh, 13–24 September 2017, released 11 October 2017, U.N. Office of the High Commissioner for Human Rights retrieved 30 November 2017. (<http://www.ohchr.org/Documents/Countries/MM/CXBMissionSummaryFindingsOctober2017.pdf>)

- Country situation and populations at risk by the Global Centre for R2P ([http://www.globalr2p.org/regions/myanmar\\_burma](http://www.globalr2p.org/regions/myanmar_burma))

- Article published by the CNN on 5 September 2017, inter alia recounting statements made by the Myanmar Government, retrieved 30 November 2017. (<http://edition.cnn.com/2017/09/05/asia/rohingyamyanmar-bangladesh/index.html>).

- Article published by the CNN on 27 November 2017, reporting about the agreement reached between Bangladesh and Myanmar, retrieved 30 November 2017 (<http://edition.cnn.com/2017/11/27/asia/rohingya-myanmar-bangladesh-agreement/index.html>).

- Decision by the Myanmar Government to establish the Annan Commission, retrieved the 30 November 2017 (<http://www.statecounsellor.gov.mm/en/node/228>).

- Statement by the High Commissioner on 11 September 2017 at the Human Rights Council's 36th session, retrieved 30 November 2017. (<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22041>).

- Statement on 6 November 2017 of the Security Council on violence in Rakhine State, retrieved 30 November 2017 (<https://www.un.org/press/en/2017/sc13055.doc.htm>).

- Resolution on 16 November 2017 of the General Assembly on the situation of human rights in Myanmar, retrieved 26 February 2017

[http://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/a\\_c\\_3\\_72\\_1\\_48.pdf](http://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/a_c_3_72_1_48.pdf)

- Resolution on 5 December 2017 of the Human Rights Council on the situation of human rights of Rohingya muslims and other minorities in Myanmar, retrieved 26 February 2017 (<https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/358/08/PDF/G1735808.pdf?OpenElement>)

- List of all Security Council actions taken on Myanmar (<http://www.securitycouncilreport.org/chronology/myanmar.php>) Regarding the Responsibility to Protect

- The United Nations Office on Genocide Prevention and the Responsibility to Protect (<http://www.un.org/en/genocideprevention/about-responsibility-to-protect.html>)

- Background and more information about R2P ([http://www.globalr2p.org/about\\_r2p](http://www.globalr2p.org/about_r2p)) Regarding the different Country Positions

- See the sources listed under the respective Country Positions. Statements by the Security Council's members regarding the situation in Rakhine State, made on 28 September 2017, 12 December 2017, and 13 February 2018, can be found at the UN website, retrieved 26 February 2018.

[https://www.un.org/en/ga/search/view\\_doc.asp?symbol=S/PV.8060](https://www.un.org/en/ga/search/view_doc.asp?symbol=S/PV.8060)

[https://www.un.org/en/ga/search/view\\_doc.asp?symbol=S/PV.8133](https://www.un.org/en/ga/search/view_doc.asp?symbol=S/PV.8133)

[http://www.un.org/en/ga/search/view\\_doc.asp?symbol=S/PV.8179](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/PV.8179)

